



Austin City Council MINUTES

For SEPTEMBER 8, 1988 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

MINUTES APPROVED

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, approved minutes for regular meeting of August 25, 1988. (4-0 Vote, Councilmembers Urdy and Humphrey and Mayor Pro Tem Shipman out of the room.)

CITIZEN COMMUNICATIONS

Mr. Stanley E. Ikonen discussed proposed budget cuts. Mr. Paul Randell, Ms. Dorothy Turner and Mr. Rogelio Evering talked about citizen participation. Ms. Molly Bean, Mrs. Edith H. Buss and Mr. David Mintz all asked Council to keep the energy conservation and rebate program in the Resource Management Department. Mr. Ed Ramsey did not speak. Mr. Tom Smith discussed STNP/HL&P; and Mr. Rick Wheeler talked about consultant selection process and status of the new airport project.

EMPLOYEE SUGGESTION BOX

Mrs. Margret Hofmann gave a status report on the Employee Suggestion Box Panel.

AFFIRMATIVE ACTION PLAN TASK FORCE

Mr. Audley Blackburn presented the status report on Affirmative Action Plan Task Force. Council set a work session for October 18, 1988 on the affirmative action plan for Austin.

ORDINANCE CONCERNING UCS DISAPPROVED

The Council on Mayor Pro Tem Shipman's motion, Mayor Cooke's second, disapproved consideration of an ordinance amending the Utility Customer Service regulations. (5-0 Vote, Councilmembers Urdy and Carl-Mitchell out of the room.)

CIRCLE C SOCCER COMPLEX

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, ~~waived the requirement for three readings and finally passed an ordinance~~ *adopted a resolution* approving a draft Community Facilities Use Agreement and Council resolution concerning Circle C Soccer Complex. (5-0 Vote, Councilmembers Carl-Mitchell and Urdy out of the room)

SPEED ZONES

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second waived the requirement for three readings and finally passed an ordinance amending the Austin City Code to modify the following speed zones: (5-0 Vote, Councilmembers Urdy and Carl-Mitchell out of the room)

SECTION 11-2-100(a) 35 mph

Add: Technology Boulevard from U.S. 183 to McNeil Road

CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, adopted the following resolutions in one consent motion: (6-0 Vote, Councilmember Nofziger out of the room.)

Waterline Easement

Approved conveyance of 1,202 square feet for a waterline easement to the City of Cedar Park through a portion of Austin City-owned land, known as Anderson Mill Reservoir Site, in consideration of the cash payment to the City of Austin of \$150.00 (the fair market value of interest conveyed).

Capital Improvements Program

Approved acquisition of the following:

- a. 8,554 square feet of land for Montopolis Drive Street Improvement Project. C.I.P. No. 85/62-27

POSTPONED INDEFINITELY were the following:

- b. 43,839 square feet of waterline easement and approximately 100,290 square feet of temporary workspace

for the Northwest "B" Water Transmission Main Project. C.I.P. No. 85/22-07

- c. 9,063 square feet of land for Permanent Waterline Easement and 10,570 square feet of land for Temporary Workspace for the Northwest "B" Water Transmission Main Project. C.I.P. No. 85/22-07
- d. 10,104 square feet of land for permanent waterline easement and 23,580 square feet of land for temporary workspace for the Northwest "B" Water Transmission Main Project. C.I.P. No. 85/22-27

Pathology Services

Approved entering into a twelve month Professional Services Agreement with Austin Pathology Associates for pathology services for a total estimated cost of \$123,000.00.

Parmer Lane

Approved a resolution recognizing the need for and supporting the extension of FM734 (Parmer Lane) from IH-35 to U.S. 290.

Congress of Cities Delegates

Designated Mayor Cooke as the voting delegate and whichever other Councilmember attends, as the alternate voting delegate when attending the Annual Business Meeting of the Congress of Cities.

Public Hearing Set

Set a public hearing on the dedication of permanent easements in Govalle Playground and Zaragosa Park for the construction of channel improvements in Boggy Creek as required under Chapter 26, Texas Parks and Wildlife Code: October 13, 1988 at 5:00 P.M.

ITEMS POSTPONED

Postponed until September 13, 1988 is consideration of authorizing the filing of eminent domain proceedings to acquire the following:

- a. 4,609 square feet of land in fee simple and a drainage easement containing 2,726 square feet of land out of Lot 7, Ben White East Subdivision, and Lots 65-68 inclusive, J. Cody Boyd Subdivision, in Austin, Travis County, Texas owned by Ben White, Ltd. for the Montopolis Drive Project. C.I.P. No. 85/62-27
- b. A tunnel easement for wastewater purposes containing 0.05 acre (2333 square feet) of land out of the Isaac Decker League owned by Josephine Harris Bradford for the South Austin Outfall Relief Main, Phase I. C.I.P. No. 85/23-19

- c. 9,142 square feet of land in fee simple; 0.144 of one acre out of tract 1, Lot 1 of Target North Subdivision and 0.066 of one acre out of tract 2 of the George W. Davis Survey No. 15, Travis County, Texas, owned by Dayton-Hudson Corporation for the U. S. Highway 183 Improvement Project. C.I.P. No. 85/62-01
- d. 14.955 acres of land in fee simple out of the Thomas Anderson Survey No. 17, Travis County, Texas, owned by Leif Johnson Ford, Inc. for the U.S. Highway 290 West/SH 71 Expansion Project. C.I.P. No. 85/62-02
- e. 364 square feet of land in fee simple and 609 square feet of land for a temporary construction easement out of Lot B-2 of Las Plazas, Section Two, Travis County, Texas, owned by J. Don Vylie for the U.S. Highway 183 Improvement Project. C.I.P. No. 85/62-01
- f. 5,761 square feet of land in fee simple and 1,329 square feet of land for a temporary construction easement out of Lot 1 of Loiseau Addition, Travis County, Texas, owned by Austin Center North, a California Partnership, for the U. S. Highway 183 Improvement Project. C.I.P. No. 85/62-01
- g. 6,072 square feet of land for a wastewater easement out of Lot A, Schnip 1 subdivision and a portion of Lot 2 Mayfield Public Freight Tracks subdivision, Austin, Travis County, Texas owned by Austin Home Center Associates for the U.S. Highway 183 Improvement Project. C.I.P. No. 85/62-01
- h. 7,650 square feet of land for a wastewater easement out of the George W. Davis Survey No. 15, Austin, Travis County, Texas, owned by Rose Fox and Florence Fox Bell for the U.S. Highway 183 Improvement Project. C.I.P. No. 85/62-01
- i. 755 square feet of land for a wastewater easement out of the George W. Davis Survey No. 15 owned by R. L. Heinrichs and Anthony George, Jr., Trustees for the U. S. Highway 183 Improvement Project. C.I.P. No. 85/62-01
- j. 1,430 square feet of land for a wastewater easement out of the George W. Davis Survey No. 15 owned by MBank Austin, N.A. for the U.S. Highway 183 Improvement Project. C.I.P. No. 85/62-01
- k. 386 square feet of land, in fee simple out of Lot 18, Block M, Milwood, Section 3, a subdivision in Austin, Travis County, Texas, owned by G.T. Whitehead, et ux Neenah G. Whitehead for the Dorsett Road/Duval Road Project. C.I.P. No. 79/62-03
- l. A wastewater easement containing 1,685 square feet of land out of the George W. Davis Survey No. 15 in Travis County, Texas, owned by Thomas O. Kite, Jr., Individually and Roy A. Bechtol and J. Williams Green, Co-Trustees of the Levis Trust for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01

- m. 0.018 acre (765 square feet) of land in fee simple out of the George W. Davis Survey No. 15 in Travis County, Texas, owned by Church's Fried Chicken, Inc. for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- n. 0.019 acre (817 square feet) of land in fee simple out of the George W. Davis Survey No. 15 in Travis County, Texas, owned by Texas Commerce Bank-Austin, N.A. and Frances H. Ritter, substitute co-trustees of the Jack F. Ritter, Sr. testamentary trust for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- o. 0.029 acre (1,240 square feet) of land in fee simple out of the George W. Davis Survey No. 15, in Travis County, Texas, owned by Tom T. Allen And Jane Allen Barndt for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- p. 21,307 square feet of land in fee simple out of the James P. Wallace Survey, No. 57 in Travis County, Texas, owned by JMV Investments for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- q. 3,574 square feet of land in fee simple out of the James P. Wallace Survey No. 57 in Travis County, Texas, owned by Frost National Bank for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- r. 1.655 acres (72,072 square feet) of land in fee simple and a drainage easement containing 0.089 acres (3,800 square feet) of land out of James P. Wallace Survey No. 57, in Travis County, Texas, owned by Munday Enterprises for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- s. 0.574 acre (24,900 square feet) of land in fee simple and a temporary construction easement containing 0.029 acre (1,250 square feet) of land out of the George W. Davis Survey No. 15 in Travis County, Texas, owned by Santa Fe Capital Corporation for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- t. 0.413 acre (17,979 square feet) of land in fee simple, a drainage easement containing 0.171 acre (7,455 square feet) of land and a temporary construction easement containing 0.119 acre (5,155 square feet) of land, all out of the George W. Davis Survey No. 15 in Travis County, Texas, owned by Texas Commerce Bank-Austin, N.A. for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- u. 19,672 square feet of land in fee simple out of the James P. Wallace Survey No. 57, Travis County, Texas, owned by Roger Dyer for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- v. A drainage easement containing 1.159 acres of land and a temporary construction easement containing 13,797 square feet of land out of the James Roger Survey Number 19 in Travis County, Texas owned by William Clark Craig, et ux Charlotte P. Craig for the U. S. Highway 183 Expansion Project. C.I.P. No. 85/62-01

Postponed to October 20, 1988 is consideration of approval of the Professional Services Agreement between the City of Austin and Turner Collie & Braden, Inc., for Program Management Services for the new City of Austin Municipal Airport and authorization to proceed with Phase II - Program Development Services. C.I.P. No. 89/81-05. (Estimated Cost = \$1,419,347.00)

Postponed to September 29, 1988 is consideration of amending the Cultural Arts Major Facility Policy.

Postponed to September 15, 1988 is consideration of creating a seven member task force to review Capital Metro.

Postponed to September 15, 1988 is a status report on rules change of pipe embedment and backfill specifications.

Pulled from the agenda was the City Manager report on Gift to the City from the Austin Natural Science Association.

FARMER'S MARKET REVOLVING LOAN FUND

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance creating a Farmer's Market Revolving Loan Fund in the amount of \$70,000.00, transferring funds from the LLP Program and appropriating funds from the Economic Development Endowment Trust Fund. (6-0, Councilmember Barnstone out of the room.)

FARMER'S MARKET DEVELOPMENT FEES

The Council, on Councilmember Urdy's motion, Councilmember Barnstone's second, waived the requirement for three readings and finally passed an ordinance appropriating \$15,200.00 from the Economic Development Endowment Trust Fund to fund the cost of development fees for the creation of a Farmer's Market. (5-2 Vote, Councilmembers Carl-Mitchell and Nofziger voted No.)

MAINTENANCE OF IBM MAINFRAME NOT APPROVED

Motion Failed

Councilmember Nofziger made a motion, seconded by Mayor Cooke to approve a Professional Service Agreement between the City of Austin and Control Data Corporation for maintenance of IBM mainframe computer hardware and related peripherals for Information System, Brackenridge Hospital and Police Department. (Total estimated amount \$333,604.59) MOTION FAILED BY A VOTE OF 3-1-0 with Councilmember Barnstone voting No, Councilmember Urdy abstaining, and Councilmember Carl-Mitchell abstaining due to conflict of interest.

SOUTHWEST "B" PRESSURE ZONE RESERVOIR

adopted a 9/8/88 resolution

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, ~~waived the requirement for three readings and finally passed an ordinance~~ approving acquisition of 7.755 acres of land for Southwest "B" Pressure Zone Reservoir located on Circle Drive near the intersection of 290 West. C.I.P. No. 85/22-09. (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Barnstone out of the room)

SUMIKEN BUILDING

Councilmembers Humphrey and Barnstone introduced two items to Council. COMPLETE TRANSCRIPT OF THE DISCUSSION IS ON FILE IN THE CITY CLERK'S OFFICE. The discussion will be continued on September 29, 1988 concerning the acquisition of the Sumiken Building.

ZONING HEARING

Mayor Cooke announced Council would hear the following zoning case. Council heard, closed the public hearing and granted as follows:

(1)	-84	CENTRAL TEXAS	5311-5613 E.	From "I-SF-2", "SF-3"
	343	EQUIPMENT CO.	Riverside Drive	To "IP"
		By John Sharkey		NOT RECOMMENDED
				<u>GRANT "LO" ON BOTH</u>
				<u>TRACTS</u>

(On Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 7-0 Vote)

PUBLIC HEARING - APPEAL RE HUNTINGTON-SURREY SCHOOL

Mayor Cooke opened the public hearing set for 5:30 p.m. on an appeal of Mr. Larry W. Lay and Mr. Kirk Mitchell of the Planning Commission's decision to approve a site plan regarding Case No. C14p-86-039 - Huntington-Surrey School.

Speakers at the hearing have their registration cards on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, closed the public hearing, DENIED THE APPEAL, and approved the Planning Commission's recommendation to delete the circular drive. (7-0 Vote)

PUBLIC HEARING - APPEAL RE AIRPORT CARGO FACILITY

Mayor Cooke opened the public hearing set for 7:00 P.M. on an appeal of Mr. Douglas A. Gimenez and Mr. Earl E. Burg of the

Planning Commission's decision concerning the Robert Mueller Municipal Airport Cargo Facility. (Case No. SP-88-0045C)

Speakers at the hearing have their registration cards on file in the City Clerk's office.

Motion

The Council, on Councilmember Urdy's motion, Councilmember Barnstone's second, closed the public hearing. 6-0 Vote, Councilmember Nofziger out of the room.)

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, DENIED THE APPEAL, approved the site plan and instructed there be either a berm or total landscaping to the top of the wall facing Airport Boulevard, making it a solid green view. (6-0 Vote, Councilmember Nofziger out of the room.)

ITEMS POSTPONED

Postponed to September 15, 1988 are the following amendments to the 1987-88 Annual Operating Budget:

- a. Accepting a grant from the Texas State Library and Archives Commission in the Amount of \$31,069.00 for the Austin Public Library for the period September 1, 1988 - August 31, 1989 and appropriating \$2,589.00 for the month of September, 1988.
- b. Accepting and appropriating a grant from the Texas Library Association for \$2,250.00 to purchase the Library of America series of classics for three branch facilities of the Austin Public Library.
- c. Accepting a grant from the Texas State Library and Archives Commission in the amount of \$28,082.00 for the Central Library System operation and Appropriating \$2,289.00 for the month of September, 1988.
- d. Accepting a grant from the Texas State Library and Archives Commission in the amount of \$746,041.00 for the Central Texas Library System operation and appropriating \$61,088.00 for the month of September, 1988.
- e. Appropriating a grant award from the National Council of Senior Citizens to support the Senior Aides Project and amending the Parks and Recreation Department in the amount of \$64,593.00.
- f. Transferring \$300,000.00 from the General Fund ending balance to the Liability Reserve Fund.

ITEM POSTPONED

Postponed to September 29, 1988 is the following item:

Transferring \$15,000.00 from the Cultural Arts Fund ending balance to the Parks and Recreation Department operating budget for the purpose of funding current year maintenance and janitorial expenses at Zachary Scott Theatre Center.

Postponed to September 15, 1988 is consideration of adopting a resolution approving the Official Statement relating to the \$5,345,000.00 North Austin Growth Corridor MUD No. 1 Contract Refunding Bonds, Series 1988.

Postponed to September 15, 1988 is a disannexation request from Mr. Tommy Nowotny.

CITY MANAGER REPORT ALREADY PRESENTED

The City Manager report on Transfer of Senior Programs Kitchen Functions to Brackenridge Hospital was presented at the September 6, 1988 worksession.

EXECUTIVE SESSION

Mayor Cooke announced Council would enter into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

1. Pending Litigation - Section 2, Paragraph e

(a) City of Austin v. Houston Lighting and Power

RECESS

Council recessed from 10:20 to 12:00 midnight for its executive session.

STNP OPTIONS

Councilmember Humphrey introduced an item to Council to consider options as to STNP and consideration of a resolution.

Motion

Councilmember Humphrey made a motion, seconded by Councilmember Nofziger to adopt a resolution concerning options for STNP.

Substitute Motion

Councilmember Carl-Mitchell offered a substitute motion, seconded by Councilmember Urdy to table the *Item*.
~~Substitute~~ Motion passed by a vote of 5-2 with Councilmembers Humphrey and Nofziger voting No.

CONTRACT POSTPONED

Postponed to September 15, 1988 is consideration of approval of a contract to Elmore and Company, May 1988 Wastewater in Place Pipe Destruction - Replacement Project, Water and Wastewater Utility Department, Total \$352,341.15 88-C084-JJ.

ADJOURNMENT

Council adjourned its meeting at 12:02 A.M., September 9, 1988.